

**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
VIJAYANAGARA DISTRICT, HOSAPETE.**

S.C. No.5061/2019

P.W. 11 C.W. 21

Name : Suresh D
Father's name : Fakeer Naik
Age : 43 years
Occupation : C.P.I. Koppal Rural Circle.
Residence : Koppal.

Duly Sworn on : 06-12-2025.

Examination-in-chief by: Learned P.P.

From Jan-2015 to Sep-2017 I was serving as P.S.I. at Hosahalli Police Station.

On 18.08.2015 I received F.I.S. from C.W.1 at 4.30 p.m. and registered UDR case no. 17/2015. Said F.I.S. is already marked as Ex.P.6. Said UDR case no. 17/2015 is now marked as **Ex.P.15**. My signatures are now marked as **Ex.P.6(c) and Ex.P.15(a)**. On the same day I visited Nimbhalagere Forest area where the dead body was lying and conducted inquest mahazar of the dead body from 5.00 p.m. to 7.00 p.m. in the presence of C.W.2 and 3, as per Ex.P.3. My signature is now marked as **Ex.P.3(b)**. At the time of conducting inquest mahazar I have recorded the statements of C.W.4 and 5. Thereafter, I have sent the dead body to a nearby place (as the dead body was in decomposed position) with a requisition to medical officer through P.C. 57 Sri. Anjanamurthy. On the same day I visited the place of incident and conducted spot mahazar from 7.15 p.m. to 8.00 p.m. in the presence of C.W.6 and 7. The place of incident was shown by C.W.1.. The spot mahazar is already marked as

Ex.P.4. My signature is now marked as **Ex.P.4(d)**. Under Ex.P.4 I have seized: i) M.O.1 - 250 ml. Monocrotopass Poison Bottle; ii) M.O.2 - 300 ml. of TILO Lemon Cool Drinks Bottle; iii) M.O.3 - 250 ml. Sip-On Fruit Cool Drinks Bottle; iv) M.O.4 - 1 Ltr. Water Bottle; v) M.O.5 – knife; vi) M.O.6 - LG Company White Mobile Phone; vii) M.O.7 - One Samsung Company Black Mobile Phone; viii) M.O.8 – Motorbike; and ix) Ex.P.5 xerox of death note from tool kit in the M.O.8 motorbike. Now I see Ex.P.1 and Ex.P.2 photos. The motorbike seen in Ex.P.1 and Ex.P.2 photos is the M.O.8 motorbike. I have entered material objects marked as M.O.1 to 7(supra) and Ex.P.5 xerox copy of death note in P.F. No. 121/2015 of Hosahalli Police Station and submitted the same to the jurisdictional Magistrate. In the Ex.P.4 mahazar I have noted that the M.O.8 motorbike was released to his R.C. owner. On 21.08.2015 I received another F.I.S. from C.W.1 at 7.00 p.m. which is already marked as Ex.P.9. Based on Ex.P.9 F.I.S. I have registered F.I.R. in Crime No. 153/2015 of our Police Station for the alleged offences punishable u/Sec. 306 r/w Sec. 34 of I.P.C. The said F.I.R. is now marked as **Ex.P.16**. My signatures are now marked as **Ex.P.9(c)** and **Ex.P.16(a)**. I have submitted the F.I.S. and F.I.R. to the jurisdictional Magistrate through P.C. No. 78 Sri. Chandrashekhar. On the same day C.W.1 produced one memory card, a death note and a dairy before me in the Police Station. I have conducted a mahazar from 8.00 p.m. to 8.30 p.m. in the presence of C.W.8 and 9 and seized said memory card, death note and dairy. Said Mahazar is already marked as Ex.P.10. My signature is now marked as **Ex.P.10(c)**. Said dairy is already marked as Ex.P.7, Said death note is already marked as Ex.P.8, and Said memory card is already marked as M.O.9. Now I see said Ex.P.7, Ex.P.8 and M.O.9. In Ex.P.8 I have marked the purported signature of the deceased as QD.1A, and the

purported handwritings of the deceased as QD1(thrice). In 12 pages in Ex.P.7 I have marked S1 for each page and S1A for purported signatures of the deceased in each such pages. I have entered Ex.P.7, Ex.P.8 and M.O.9 in PF No. 124/2015 and submitted the same to the jurisdictional Magistrate. On 16.09.2015, the police constables of our Police Station have arrested the accused no.2 Sri. Satish from his residence and produced before me at 9.00 a.m.. I have enquired him and arrested him and produced him before the Learned Magistrate on the same day. On 18.09.2015, police constables of our Police Station have arrested the accused no.1 Smt. Nandini from Jagalur bus stop and produced before me at 10.00 a.m.. I have enquired her and arrested her and produced her before the Learned Magistrate on the same day. On 29.09.2015, I have sent i) M.O.1 - 250 ml. Monocrotopass Poison Bottle; ii) M.O.2 - 300 ml. of TILO Lemon Cool Drinks Bottle; iii) M.O.3 - 250 ml. Sip-On Fruit Cool Drinks Bottle; and iv) M.O.4 - 1 Ltr. Water Bottle to RFSL, Kalaburgi through C.W.20 Sri. Sudharshan and obtained acknowledgment from said RFSL regarding production of M.O.1 to M.O.4 before it. C.W.20 produced the said acknowledgment before me on 30.09.2015. On 14.10.2015, I have sent Ex.P.7 and 8 to FSL, Bengaluru, through C.W.19 Sri. Vijayakumar. C.W.19 produced acknowledgment (issued by FSL, Bengaluru, regarding receipt of Ex.P7 and 8 from C.W.19.) before me on 16.10.2015. On 10.11.2015, police constables of our Police Station have arrested the accused no.4 Sri. Hanumantha from Bilachodu bus stop and produced before me at 10.00 a.m.. I have enquired him and arrested him and produced him before the Learned Magistrate on the same day. On 21.11.2015, accused no.3 Sri. Mahantesha appeared before me and produced anticipatory bail. By following the procedure I have released him

on bail. On 22.12.2015, I received report from said RFSL in respect of M.O.1 to 4. The said report is already marked Ex.P.13(with consent of Learned defence counsels). My signature is now marked as **Ex.P.13(a)**. On 15.01.2016, I have sent a requisition to C.W.17 Dr. Jayasheel along with Ex.P.13 report seeking for final opinion. On 01.03.2016, I received final opinion along with P.M. report from C.W.17 Dr. Jayasheel. The said final opinion is marked as **Ex.P.17**; and said P.M. report is marked as **Ex.P.18**. My signature is now marked as **Ex.P.17(a)**. On 13.09.2017 I have handed over investigation paper to Sri. Nagaraja, ASI, Hosahalli Police Station for further investigation as I was transferred from Hosahalli Police Station. I can identify the accused persons. (Accused No.4 and 5 are not present before the Court. The Learned defence counsels submit that they do not dispute the identity of the accused persons)

Cross-examination by Sri. G.B.R., Adv for Accused Nos.1:-

It is true to suggest that before lodging F.I.S. as per Ex.P.6 the C.W.1 has visited the place where the dead body was lying. 10 minutes before receiving Ex.P.6 F.I.S. I had sent Police constables to the place where dead body was lying as I had received telephonic message that a dead body of an unknown person was lying there.

Question: The C.W.1 came to know about the lying of the said dead body at the said place through the constables of Hosahalli Police Station?

Answer: False. Some other police might have informed C.W.1 about the said fact.

No entry is made in station house dairy about the message about the dead body of an unknown person which was received much prior to receipt of Ex.P.6 F.I.S.. It is not true to suggest that myself and my staff have visited the said place where said dead body was lying in the noon on

18.08.2015. It is not true to suggest that in the said noon itself we have given intimation to C.W.1 about the said dead body.

Question: There is no mention regarding Ex.P.5 xerox copy of death note in Ex.P.6 F.I.S.?

Answer: The Ex.P.5 xerox copy of death note was not yet available.

Ex.P.5 xerox copy of death note came to my knowledge at the time of spot mahazar. It is true that PF which includes Ex.P.5 was not submitted to the Learned Magistrate on 18.08.2015.

Since other trials where the accused persons are in custody, the matter is adjourned to 12.12.2025.

(Typed to my dictation in the open Court)

R O I & A C

(D.P.KUMARA SWAMY)

Additional District & Sessions Judge,
Vijayanagara District, Hosapete.